

Applicant: Sunshine Properties LLC.

Agent: Edward J. Losinski

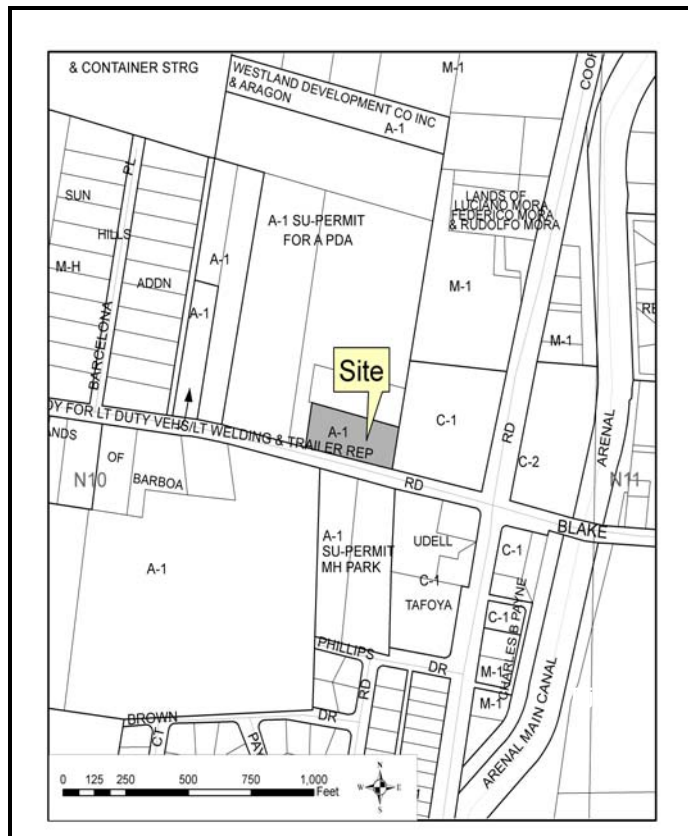
Location: 3805 Blake Road SW

Property Size: Approximately 1.23 acres

Existing Zone: A-1

Proposed Request: C-1

Recommendation: Denial



Summary: The applicant is requesting approval of a zone map amendment from A-1 to C-1 on a site located at 3805 Blake Road SW, located on the north side of Blake Road approximately 500 feet west of Coors Boulevard SW. The site is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 4 of the Southwest Area Plan.

Staff Planner: Enrico Gradi, Program Planner

Attachments: 1. Application
2. Land Use and Zoning Map

Bernalillo County Departments and other interested agencies reviewed this application from April 25, 2006 to May 15, 2006.

Agency comments were used verbatim in preparation of this report, and begin on page 12.

AGENDA ITEM NO.: 12
County Planning Commission
June 7, 2006

CZ-60009 Edward Losinski, agent for Sunshine Properties LLC, requests approval of a zone map amendment from A-1 to C-1 on Lot 2C2, located at 3805 Blake Road SW, located on the north side of Blake Road approximately 500 feet west of Coors Boulevard SW, containing approximately 1.23 acres. (N-10)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Single Family Dwelling
North	A-1 with a Special Use Permit for a Planned Development Area for 86 lots.	Vacant
South	A-1 with a Special Use Permit for a Mobile Home Park	Mobile Home Park
East	C-1	Vacant
West	A-1 with a Special Use Permit for a Mobile Home Park	Vacant

BACKGROUND:

The Request

The applicant is requesting approval of a zone map amendment from A-1 to C-1 on a site located at 3805 Blake Road SW, located on the north side of Blake Road approximately 500 feet west of Coors Boulevard SW. The site is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and residential Area 4 of the Southwest Area Plan.

Request Justification

The applicant explains that this request is justified as consistent with Resolution 116-86 in that there are changed neighborhood conditions in the area and the applicant sites several Special Use Permits for residential development in the immediate vicinity. In addition the applicant maintains that the development of commercial property in the area provides a needed service to an area that is approved for a considerable of residential development.

Surrounding Land Use and Zoning

The most current land use decision in this area is a recent approval for a Special Use Permit for a Special Use Permit for a Planned Development Area for 85 lots located both north and west of the subject site CSU-40003). At the February 4, 2004 public hearing, the County Planning Commission recommended approval of the request and on March 23, 2004 the Board of County Commissioners approved the request.

Prior to the approval of the SUP for the PDA the surrounding site was approved for a mobile home park (CSU-85-65). However, the previous owner did not develop the property and it has reverted to the underlying zoning of A-1.

Across Blake Road to the south are two lots, also zoned A-1; a cemetery and another vacant lot (CZ-80-55). Further southeast, is the property at 3804 Blake Road SW, there exists a Special Use Permit for a Mobile Home Park (CSU-91-2). Contiguous parcels to the east are zoned C-1 and M-1 containing several businesses that front on to Coors Road.

Several properties to the west are zoned A-1, with Special Use Permit(s) (CSU-87-53 and CSU 89-39); another is zoned M-H (CZ-69-82).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Policy a states that "The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre."

Policy d states that “The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.”

Policy g states “Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.”

Policy i states that “Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.”

Policy j states “Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more that one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy k states that “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.”

Policy l states that “Quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.”

Policy m states... that “Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

Air Quality

The Goal is to improve air quality to safe guard public health and enhance the quality of life.

Policy g states “Pollution from particles shall be minimized.”

- “Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.”
- Modify the Development process manual to expand requirements for top soil disturbance permits and dust control plans for excavations greater that $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulations regarding airborne particulates.”

Southwest Area Plan (SWAP)

The site is located in Residential Area Five of the Southwest Area Plan.

Policy 26 (g) allows a maximum residential density of nine dwelling units per net acre when city sewer services are available.

Policy 30 states, “Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.
- b. Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.

Policy 32 states... “Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls.”

- a. Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

Policy 41 states... “Balance economic development and the quality of life for existing communities as well as for newly developed areas.”

Policy 44 states... “Encourage small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of South Valley residents.”

Policy 45 states... “Emphasize job creation and expansion of employment opportunities for the residents of the Southwest Area Plan.”

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.

- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse

land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 19: Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
 - 1. Sites of one acre or less:
 - a. There shall be a landscaped setback along all streets of no less than ten feet.
 - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
 - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
 - 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant is requesting approval of a zone map amendment from A-1 to C-1 on a site located at 3805 Blake Road SW, located on the north side of Blake Road approximately 500 feet west of Coors Boulevard SW. The site is located adjacent to a Special Use Permit for a Planned Development Area on the north and west of the subject site. C-1 zoning is located immediately east of the subject site and M-H zoning exists south of the subject site.

Plans

Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.

Land use policy a states that the Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre. Further, Policy d establishes that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Comprehensive Plan policy I call for employment and service uses for this area to complement residential areas and be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments. Given these criteria, it appears that the proposed use may add additional opportunities for commercial development. Although it is unclear that the C-1 zone contains a range of uses which may be inconsistent with the Comprehensive Plan policy I of providing neighborhood serving commercial services which compliment the neighborhood in a manner which reduces noise, pollution, traffic or increased light pollution for the surrounding neighborhood.

Southwest Area Plan (SWAP)

SWAP Policy 44 promotes small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of South Valley residents. In addition, Policy 41 recommends a balance between economic development and the quality of life for existing communities as well as for newly developed areas.

Zoning Ordinance

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

Agency Comments

Comments from the Public Works Division states that this property is subject to the Bernalillo County Code Chapter 38 which states that prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.

Additional Public Works comments state that Blake Road is shown as a Collector on the Long Range Roadway System map with a minimum right-of-way width of 68 feet. Additional right-of-way will be required, if the existing right-of-way is less than 68 feet, upon subdivision or development of the property. Additional right-of-way may also be required to accommodate bicycle facilities. Also, the New Mexico Department of Transportation requires that a traffic study be done at the time that the property is being developed.

Analysis Summary

Zoning	
Resolution 116-86	This request is inconsistent with Resolution 116-86 in that potential land uses in the C-1 zone does not encourage a small-scale, locally-owned and operated industry that complements residential areas and reduces the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque/Bernalillo County Comprehensive Plan.
Plans	
Comprehensive Plan	The request attempts to address the goals of the Comprehensive Plan of encouraging a small-scale, locally owned and operated industry that complements residential areas. However, the C-1 zone contains some permissive uses, which do not fall in the category of neighborhood serving commercial.
Area Plan	Policy 41 of the Southwest Area Plan calls for balancing economic development and the quality of life for existing communities as well as for newly developed areas. Although this request represents a change of use the impact to the site appears to be rather low
Other Requirements	
Environmental Health	Applicant must provide a water and sewer availability statement.
Public Works	This request requires a drainage submittal. Blake Road is shown as a Collector on the Long Range Roadway System map with a minimum right-of-way width of 68

	feet. Additional right-of-way will be required, if the existing right-of-way is less than 68 feet, upon subdivision or development of the property.
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Conclusion

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

Some of the permissive uses identified in the C-1 zone such as car washes, package liquor sales and service stations does not appear to integrate well in this area of Blake Road and does not clearly meet the intent of the Comprehensive Plan. There are more intense zones located on Coors Boulevard, however this area is separated from the intersection of Coors Boulevard and Blake Road by some distance and is situated in a more residential area of Blake Road that abuts a Special Use Permit for a Planned Development Area that contains eighty five residential lots located both north and west of the subject site.

The applicant's requested C-1 contains permissive uses, which are too intense to be located immediately adjacent to residential uses. There are other commercial zoning categories, which may act as better transition than the requested C-1 zone.

RECOMMENDATION:

Denial of CZ-60009 based on the following Findings.

Enrico Gradi
Program Planner

Findings:

1. This is a request for a zone map amendment from A-1 to C-1 on Lot 2C2, located at 3805 Blake Road SW, located on the north side of Blake Road approximately 500 feet west of Coors Boulevard SW, containing approximately 1.23 acres.
2. This request is not consistent with Resolution 116-86 in that the applicant has failed to demonstrate that the existing zoning is inappropriate.
3. This request is in conflict with Resolution 116-86, in that the proposed land use category may be detrimental to the public interest, health, safety, and general welfare of the area.
4. The request conflicts with Resolution 116-86 in that the Albuquerque/Bernalillo County Comprehensive Plan encourages small-scale, locally owned and operated industry that complements residential areas, several uses in the C-1 zone contain permissive uses which do not compliment the surrounding residential uses.
5. This request is in conflict with Resolution 116-86 in that there was not an error when the original zone map was created, and this requested land use change will not be advantageous to the surrounding area.
6. This request conflicts with the Albuquerque/Bernalillo County Comprehensive Plan in that Policy i states that Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

Public Utilities [water and sewer] are available. Provide a water and sewer availability statement.

Zoning Administrator:

CZ-60009 - requested change from A-1 to C-1

The Zoning Ordinance indicates that the C-1 zone is suitable for office, service, institutional and limited commercial uses to satisfy the day-to-day need of nearby residential areas and to minimize any adverse effect on nearby residential development. Some of the specific activities allowed in the C-1 zone include a variety of retail businesses, package liquor store, school, residential uses, car wash, and restaurant with beer/wine service.

The applicant's written information states that a "small strip type shopping complex" is intended for the site. This type of general development is a permissive use, but each proposed business and activity will require review and approval from the department prior to operation to confirm compliance with applicable standards.

Any future development is required to meet applicable setback distances of 30 feet in the front yard, 15 feet in the rear yard, and no side yard setback distance unless residential uses are employed on the site (see Sec. 14.D.2. for specifics). Height allowances for any proposed structures must meet the standards of Sec. 10.C. and Sec. 22.

Based on the size of the property, the southern portion of the lot abutting Blake will be required to have a designated landscape buffer of at least 15 feet, as well as a buffer of 6 feet on sides of the property adjacent to single-family residential uses. Fifteen percent of all paved areas will be required to be landscaped as well. A solid fence or wall, at least 6 feet in height, will need to be erected upon future office/commercial development. Additionally, the owner will be responsible for all other landscaping requirements specific to design, layout, and maintenance as outlined in the ordinance.

All off-street parking spaces will need to be provided in accordance with Sec. 21 of the ordinance. All parking associated with the proposed uses will be required to be on the same site, and will need to be surfaced with asphalt or concrete. The number, size, and striping of the spaces must also meet minimum requirements.

Signage for the anticipated commercial development includes both on-premise and off-premise signs. On-premise signs are limited to freestanding and wall signs, no greater than 32 square feet in area each, and cannot exceed 130 sq. ft. in aggregate area for the entire property. Off-premise signs are possible, and may allow for up 400 sq. ft. in area for this type of signage. Other standards for this type of use are outlined in the ordinance.

Zoning Department Manager:

Must comply with all Bernalillo County Code regulations for this project.
No zoning violations. No other adverse comment from zoning at this time.

Building Department Manager:

No adverse comment

Fire:

No comment recieved

Public Works:

DRAN:

1. This property is subject to the Bernalillo County Code Chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.

DRE:

1. Blake Road is shown as a Collector on the Long Range Roadway System map with a minimum right-of-way width of 68 feet. Additional right-of-way will be required, if the existing right-of-way is less than 68 feet, upon subdivision or development of the property. Additional right-of-way may also be required to accommodate bicycle facilities.
2. Access to the site and roadways within the site shall conform to the County Street Standards.

Parks & Recreation:

No adverse comment

Sheriff's:

No comment recieved

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comment

AMAFCA:

No comment.

COUNTY PLANNING COMMISSION
JUNE 7, 2006
CZ-60009

City Public Works:

Transp. Planning:

No Comment

Transp. Development:

No comment

Water Resources:

No comment

City Planning:

Development Services for the City has no adverse comment for the June hearing.

MG/ma 5/16/06

City Transit:

No comment

ABCWUA Utility Development Section:

No comment

City Environmental Health:

No comment

City Open Space:

No adverse comment

NM Department of Transportation:

Case Number: ZCZ 60009 Case description: Zone Change use request ? from A1 to C1

Location: 3805 Blake Road SW, Albuquerque Type of development

(Residential/commercial): Commercial Possible Impacted NMDOT roadway(s): NM 45 -

Coors Road Departments Comments: The NMDOT will request that a traffic study be done at the time that the property is being developed.

TA/ma 5/3/06

Albuquerque Public School:

ZCZ 60009 The request to rezone the property located at Blake Rd and Coors Blvd from A-1 to C-1 in order to develop roadways and parking for a small strip type shopping center will have no adverse impacts to the APS district.

BK/ma 5/16/06

NEIGHBORHOOD ASSOCIATIONS:

South Valley Coalition of Neighborhoods

South Valley Alliance

COUNTY PLANNING COMMISSION
JUNE 7, 2006
CZ-60009